

FILED 08 MAR 31 11:25 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RENNIE J. DEARBORN,

Civ. No. 07-659 MO

Petitioner,

**ORDER DISMISSING HABEAS
CORPUS PETITION**

v.

**BRIAN BELLEQUE, Superintendent,
Oregon State Penitentiary,**

Respondent.

This matter having come before the Court on the motion of the Petitioner to voluntarily dismiss his habeas corpus petition,

IT IS HEREBY ORDERED that the Petition for a Writ of Habeas Corpus is dismissed without prejudice. In the event that the decision in *Blakely v. Washington*, 542 U.S. 296 (2004), is later made retroactive to cases on collateral review, Petitioner has leave to reopen this case only as to the *Blakely* issues, and the limitations period shall be deemed tolled from the date

this Order is signed until sixty (60) days after the date of the decision rendering *Blakely* retroactively applicable. If *Blakely* is made retroactive and the Petitioner moves to reopen this case during the above-referenced 60-day period, Petitioner may also amend the Petition as of right so as to properly plead all *Blakely*-based claims in this Court.

IT IS SO ORDERED this 31 day of March, 2008.



THE HONORABLE MICHAEL W. MOSMAN
U.S. District Court Judge

Submitted by:

/s/ Thomas J. Hester
Thomas J. Hester
Attorney for Petitioner

Lynn David Larsen (by consent)
Attorney for Respondent